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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,518	02/25/2000	Cedell Adam Alexander JR.	RAL9-99-0073	7208
45211 7590 01/26/2007 KELLY K. KORDZIK WINSTEAD SECHREST & MINICK PC PO BOX 50784 DALLAS, TX 75201			EXAMINER	
			MEW, KEVIN D	
			ART UNIT	PAPER NUMBER
,			2616	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)					
Office Assissa Commence	09/513,518	ALEXANDER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Kevin Mew	2616					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠ Responsive to communication(s) filed on <u>18 September 2006</u> .							
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This	action is non-final.	•					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) <u>35-68</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6) Claim(s) 35,36,40,43,44,48,49,51,52,56,57,61,62 and 66 is/are rejected.							
•	7)⊠ Claim(s) <u>37-39, 41-42, 45-47, 50, 53-55, 58-60, 63-65, 67-68</u> is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers							
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date							
3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application							
Paper No(s)/Mail Date 6)  Other:							

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## **Detailed Action**

## Response to Amendment

- 1. Applicant's appeal brief filed on 9/18/2006 have been considered. Claims 35-68 are currently pending.
- 2. Applicant's request for reconsideration of the previous rejection of the last Office action is persuasive and, therefore that action is withdrawn.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 35-36, 40, 43-44, 48-49, 51-52, 56-57, 61-62, 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al. (USP 5,970,069).

Regarding claim 35, Kumar discloses a network switch (a network switch, a combination of elements 34, 36, 40, 42, 44, 180, 166, 168, 182, 176, 170, 160, 162, 164, 150, 174, Fig. 5) comprising:

a CPU (CPU, CW4011 MiniRISC, element 90, Fig. 3);

a memory system (cache, elements 92, 94, Fig. 3) having circuitry operable to attach to the CPU (having circuitry to attach to CPU 90, Fig. 3);

a switch fabric system (SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3) having circuitry operable to attach to the CPU (having circuitry to attach to CPU 90, Fig. 3);

a port controller (V.34 DAA, element 182, Fig. 5) having circuitry operable to attach to the switch fabric system (to attach to the switch fabric system via line 44, Figs. 3 and 5);

a software application operable to execute on the CPU (CPU executes V.34 modem algorithm, col. 7, lines 47-53);

a Forwarding Database Distribution Library (FDDL) system (memory 84, DRAM 162, Flash ROM 164, comprising a linked list of buffer memory descriptors BMD for each channel, element 84, col. 7, lines 25-40 and Fig. 3) operable to execute on the CPU (to execute on CPU 90, col. 7, lines 25-40, Fig. 3); and

a switch device driver (Multi Channel DMA Controller, element 82, Fig. 3) operable to execute on the CPU (communicates with CPU 90, col. 7, lines 25-40 and Fig. 3), wherein the software application is operable to communicate with the FDDL system (V.34 communicates with the memory 82 once the channel is identified as V.34 modem channel to receive and perform digital signal processing for the packet, col. 7, lines 47-53), the FDDL system (memory 84, Fig. 3) is operable to communicate with the switch device driver (communicates with Multi Channel DMA Controller 82, Fig. 3), and the switch device driver (Multi Channel DMA Controller 82, Fig. 3) is operable to communicate with the switch fabric (communicates with SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3).

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Regarding claim 36, Kumar discloses the network switch of claim 35 further comprising a second software application operable to execute on the CPU (CPU executes routing software to retrieve packets stored in local memory and determine their destination, col. 8, lines 52-57), wherein the second software application communicates with the FDDL system (routing software communicates with local memory, col. 7, lines 52-57 and Fig. 3).

Regarding claim 40, Kumar discloses the network switch of claim 35 further comprising: an independent software application (routing software) operable to execute on the CPU (executes on the CPU, col. 8, lines 47-57); and

an independent software application shim (V.34 modem algorithm) operable to execute on the CPU (executes on the CPU, col. 7, lines 47-53), wherein an independent software application (routing software) communicates with the independent software application shim (communicates with V.34 modem algorithm, col. 8, lines 47-57) and the independent software application shim (V.34 modem algorithm) communicates with the switch device driver (communicates with DMA controller, col. 7, lines 25-40, 47-53).

Regarding claim 43, Kumar discloses a network switch comprising:

a CPU (CPU, CW4011 MiniRISC, element 90, Fig. 3);

a memory system (cache, elements 92, 94, Fig. 3) having circuitry operable to attach to the CPU (having circuitry to attach to CPU 90, Fig. 3);

a switch fabric system (SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3) having circuitry operable to attach to the CPU (having circuitry to attach to CPU 90, Fig. 3);

a port controller (V.34 DAA, element 182, Fig. 5) having circuitry operable to attach to the switch fabric system (to attach to the switch fabric system via line 44, Figs. 3 and 5);

a protocol means (V.34 modem algorithm) for providing a service to a network system (for providing data packets being transferred through V.34 interface controller);

a Forwarding Database Distribution Library (FDDL) means (memory 84, DRAM 162, Flash ROM 164, comprising a linked list of buffer memory descriptors BMD for each channel, element 84, col. 7, lines 25-40 and Fig. 3) for communicating with the protocol means (for identifying V.34 channel data packets with the V.34 modern algorithm, col. 7, lines 25-40, 47-53); and

a switch device driver means (Multi Channel DMA Controller, element 82, Fig. 3) for communicating with the FDDL means (communicating with memory 84, col. 7, lines 25-40) and the port controller (communicates with V.34 CODEC of Fig. 5 via controller 72 of Fig. 3).

Regarding claim 44, Kumar discloses the network switch of claim 43 further comprising a second protocol means (serial WAN (SWAN), elements 76a, 76b, 76c, 76d, Fig. 3) for providing a second service to the network system (providing serial WAN service, Fig. 3), wherein the FDDL means communicates with the second protocol means (memory 84 communicates with serial WAN (SWAN), Fig. 3).

Regarding claim 48, Kumar discloses the network switch of claim 43 further comprising: an independent protocol means (routing software) for providing an independent service to the network system (for determining packet destination, col. 8, lines 47-57); and

an independent protocol shim (V.34 modem algorithm) for communicating with the independent protocol means (communicates with routing software, col. 8, lines 47-57) and the switch device driver means (DMA controller, col. 7, lines 25-40, 47-53).

Regarding claim 49, Kumar discloses the network switch of claim 48 further comprising a second protocol means (serial WAN (SWAN), elements 76a, 76b, 76c, 76d, Fig. 3) for providing a second service to the network system (providing serial WAN service, Fig. 3), wherein the FDDL means communicates with the second protocol means (memory 84 communicates with serial WAN (SWAN), Fig. 3).

Regarding claim 51, Kumar discloses a method of providing communications over a network system utilizing a first protocol (SWAN) and a second protocol (V.34, Fig. 2b), the method comprising the steps of:

receiving information at a port controller in a first protocol from a first node machine (receiving data packet at SWAN port controller (ISDN transceiver) from a ISDN network, Figs. 2b and 5);

communicating the information from the port controller to a switch fabric (communicating the data packet from ISDN transceiver to a switch fabric comprising SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3);

communicating the information from the switch fabric to a switch device driver within an operating system (communicating the data packet from the switch fabric to DMA controller, element 82, Fig. 3);

communicating the information from the switch device driver to a Forwarding Database Distribution Library (FDDL) (communicating the data packet to memory 84, DRAM 162, Flash ROM 164, comprising a linked list of buffer memory descriptors BMD for each channel, element 84, col. 7, lines 25-40 and Fig. 3); and

communicating the information from the FDDL to a first protocol client (communicating the data packet from local memory 162, 164 to a host via a PCI interface, col. 8, lines 1-39 and Fig. 3).

Regarding claim 52, Kumar discloses the method of claim 51 further comprising the steps of:

receiving additional information at a port controller in a second protocol (LAN/Ethernet) from a first node machine (receiving data packet at Ethernet Physical Layer Device, Figs. 2b and 5);

communicating additional information from the port controller to a switch fabric (communicating the data packet from Ethernet Physical Layer Device to a switch fabric comprising SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3);

communicating additional information from the switch fabric to a switch device driver

within an operating system (communicating the data packet from the switch fabric to DMA controller, element 82, Fig. 3);

communicating additional information from the switch device driver to a Forwarding Database Distribution Library (FDDL) (communicating the data packet to memory 84, DRAM 162, Flash ROM 164, comprising a linked list of buffer memory descriptors BMD for each channel, element 84, col. 7, lines 25-40 and Fig. 3); and

communicating additional information from the FDDL to a first protocol client (communicating the data packet from local memory 162, 164 to a WAN interface via a WAN controller, col. 8, lines 1-39 and Fig. 3).

Regarding claim 56, Kumar discloses a computer-readable medium having stored thereon computer-executable instructions for performing the steps comprising:

receiving information at a port controller in a first protocol from a first node machine (receiving information at SWAN port controller (ISDN transceiver) from a ISDN network, Figs. 2b and 5);

communicating the information from the port controller to a switch fabric (communicating the information from ISDN transceiver to a switch fabric comprising SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3);

communicating the information from the switch fabric to a switch device driver within an operating system (communicating the information from the switch fabric to DMA controller, element 82, Fig. 3);

communicating the information from the switch device driver to a Forwarding

Database Distribution Library (FDDL) (communicating the information to memory 84, DRAM 162, Flash ROM 164, comprising a linked list of buffer memory descriptors BMD for each channel, element 84, col. 7, lines 25-40 and Fig. 3); and

communicating the information from the FDDL to a first protocol client (communicating the information to from local memory 162, 164 to a host via a PCI interface, col. 8, lines 1-39 and Fig. 3).

Regarding claim 57, Kumar discloses the computer-readable medium of claim 56 having further stored thereon computer-executable instructions for performing the steps comprising:

receiving additional information at a port controller in a second protocol (LAN/Ethernet) from a first node machine (receiving data packet at Ethernet Physical Layer Device, Figs. 2b and 5);

communicating additional information from the port controller to a switch fabric (communicating the data packet from Ethernet Physical Layer Device to a switch fabric comprising SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3);

communicating additional information from the switch fabric to a switch device driver within an operating system (communicating the data packet from the switch fabric to DMA controller, element 82, Fig. 3);

communicating additional information from the switch device driver to a Forwarding

Database Distribution Library (FDDL) (communicating the data packet to memory 84, DRAM 162, Flash ROM 164, comprising a linked list of buffer memory descriptors BMD for each channel, element 84, col. 7, lines 25-40 and Fig. 3); and

communicating additional information from the FDDL to a first protocol client (communicating the data packet from local memory 162, 164 to a WAN interface via a WAN controller, col. 8, lines 1-39 and Fig. 3).

Regarding claim 61, Kumar discloses a network system comprising:

a network switch (a network switch, a combination of elements 34, 36, 40, 42, 44, 180, 166, 168, 182, 176, 170, 160, 162, 164, 150, 174, Fig. 5) comprising a CPU (CPU, CW4011 MiniRISC, element 90, Fig. 3);

a memory system (cache, elements 92, 94, Fig. 3) having circuitry operable to attach to the CPU (having circuitry to attach to CPU 90, Fig. 3);

a switch fabric system (SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3) having circuitry operable to attach to the CPU (having circuitry to attach to CPU 90, Fig. 3);

a port controller (V.34 DAA, element 182, Fig. 5) having circuitry operable to attach to the switch fabric system (to attach to the switch fabric system via line 44, Figs. 3 and 5);

a software application operable to execute on the CPU (CPU executes V.34 modem algorithm, col. 7, lines 47-53);

a Forwarding Database Distribution Library (FDDL) system (memory 84, DRAM 162, Flash ROM 164, comprising a linked list of buffer memory descriptors BMD for each channel,

element 84, col. 7, lines 25-40 and Fig. 3, comprising a linked list of buffer memory descriptors BMD for each channel, element 84, col. 7, lines 25-40 and Fig. 3) operable to execute on the CPU (to execute on CPU 90, col. 7, lines 25-40, Fig. 3); and

a switch device driver (Multi Channel DMA Controller, element 82, Fig. 3) operable to execute on the CPU (communicates with CPU 90, col. 7, lines 25-40 and Fig. 3), wherein the software application is operable to communicate with the FDDL system (V.34 communicates with the memory 82 once the channel is identified as V.34 modem channel to receive and perform digital signal processing for the packet, col. 7, lines 47-53), the FDDL system (memory 84, Fig. 3) is operable to communicate with the switch device driver (communicates with Multi Channel DMA Controller 82, Fig. 3), and the switch device driver (Multi Channel DMA Controller 82, Fig. 3) is operable to communicate with the switch fabric (communicates with SWAN, E110 controller, V.34 I/F, 4X Serial, elements 72, 74, 76a, 76b, 76c, 76d, 80, Fig. 3).

a backbone (Internet, element 54, Fig. 2b); and

a workstation (workstation, element 52a, Fig. 2b), wherein the workstation is logically connected to the backbone (workstation is logically connected to the Internet, Fig. 2b), and wherein the backbone is logically connected to the port controller of the network switch (Internet is logically connected to the port controller V.34 DAA, Fig. 5 of the network switch).

Regarding claim 62, Kumar discloses the network system of claim 61 further comprising a second software application operable to execute on the CPU (CPU executes routing software to retrieve packets stored in local memory and determine their destination, col. 8, lines 52-57),

wherein the second software application communicates with the FDDL system (routing software communicates with local memory, col. 7, lines 52-57 and Fig. 3).

In claim 66, Kumar discloses the network system of claim 61 further comprising:
an independent software application (routing software) operable to execute on the CPU
(executes on the CPU, col. 8, lines 47-57); and

an independent software application shim (V.34 modem algorithm) operable to execute on the CPU (executes on the CPU, col. 7, lines 47-53), wherein an independent software application (routing software) communicates with the independent software application shim (communicates with V.34 modem algorithm, col. 8, lines 47-57) and the independent software application shim (V.34 modem algorithm) communicates with the switch device driver (communicates with DMA controller, col. 7, lines 25-40, 47-53).

## Allowable Subject Matter

4. Claims 37-39, 41-42, 45-47, 50, 53-55, 58-60, 63-65, 67-68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 37, the network switch of claim 36 wherein the FDDL system defines an FDDL API for communication with the software application, and the FDDL system defines a Switch Services API for communication with the switch device driver.

In claim 38, the network switch of claim 36 wherein the FDDL system defines an FDDL API for communication with the software application and the second software application, and the FDDL system defines a Switch Services API for communication with the switch device driver.

In claim 39, the network switch of claim 36 wherein the FDDL system comprises:

a base FDDL system;

a software application tower FDDL system; and

a second software application tower FDDL system wherein the base FDDL system communicates with the switch device driver, the software application communicates with the software application tower FDDL system, the second software application communicates with the second software application tower FDDL system, and the base FDDL system communicates with the software application tower FDDL system and the second software application tower FDDL system.

In claim 41, the network switch of claim 40 further comprising:

a second software application operable to execute on the CPU, wherein the FDDL system defines an FDDL API for communication with the software application and the second software application, and the FDDL system defines a Switch Services API for communication with the switch device driver.

In claim 42, the network switch of claim 40 wherein the FDDL system comprises:

a base FDDL system;

a software application tower FDDL system; and

a second software application tower FDDL system wherein the base FDDL system communicates with the switch device driver, the software application communicates with the software application tower FDDL system, the second software application communicates with the second software application tower FDDL system, and the base FDDL system communicates with the software application tower FDDL system and the second software application tower FDDL system and the second software application tower FDDL system.

In claim 45, the network switch of claim 43 wherein the FDDL means defines an FDDL API for communication with the software application, and the FDDL means defines a Switch Services API for communication with the switch device driver.

In claim 46, the network switch of claim 44 wherein the FDDL means defines an FDDL API for communication with the protocol means and the second protocol means, and the FDDL system defines a Switch Services API for communication with the switch device driver means.

In claim 47, the network switch of claim 44 wherein the FDDL means comprises:

a base FDDL means for communicating with the switch device driver means;

a protocol tower FDDL means for communicating with the protocol means and the base

FDDL means; and

a second protocol tower FDDL means for communicating with a second protocol means and the base FDDL means.

In claim 50, the network switch of claim 48 wherein the FDDL means comprises:

a base FDDL means for communicating with the switch device driver means;

a protocol tower FDDL means for communicating with the protocol means and the base

FDDL means; and

FDDL;

a second protocol tower FDDL means for communicating with the second protocol means and the base FDDL means.

In claim 53, the method of claim 52 wherein all communicating between the switch device driver to the FDDL is done through a switch services API; and all communicating from the FDDL to the first protocol client and the second protocol client is done through an FDDL API.

In claim 54, the method of claim 52 further comprising the steps of:

defining a switch services API for communication between the switch device driver; and defining an FDDL API for communication between the first protocol client and the FDDL.

In claim 55, the method of claim 52 further comprising the steps:

receiving the information from the switch device driver at an FDDL base within the

passing the information from the FDDL base to a first protocol FDDL tower within the FDDL; and

sending the information from the first protocol FDDL tower to the first protocol client.

Regarding claim 58, the computer-readable medium of claim 57 wherein all communicating between the switch device driver to the FDDL is done through a switch services API; and

all communicating from the FDDL to the first protocol client and the second protocol client is done through an FDDL API.

In claim 59, the computer-readable medium of claim 57 having further stored thereon computer-executable instructions for performing the steps comprising:

defining a switch services API for communication between the switch device driver; and defining an FDDL API for communication between the first protocol client and the FDDL.

In claim 60, the computer-readable medium of claim 57 having further stored thereon computer-executable instructions for performing the steps comprising:

receiving the information from the switch device driver at an FDDL base within the FDDL;

passing the information from the FDDL base to a first protocol FDDL tower within the FDDL; and

sending the information from the first protocol FDDL tower to the first protocol client.

In claim 63, the network system of claim 61 wherein the FDDL system defines an FDDL API for communication with the software application, and the FDDL system defines a Switch Services API for communication with the switch device driver.

In claim 64, the network system of claim 62 wherein the FDDL system defines an FDDL API for communication with the software application and the second software application, and the FDDL system defines a Switch Services API for communication with the switch device driver.

In claim 65, the network system of claim 62 wherein the FDDL system comprises:

- a base FDDL system;
- a software application tower FDDL system; and
- a second software application tower FDDL system wherein the base FDDL system communicates with the switch device driver, the software application communicates with the software application tower FDDL system, the second software application communicates with the second software application tower FDDL system, and the base FDDL system communicates with the software application tower FDDL system and the second software application tower FDDL system.

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In claim 67, the network system of claim 66 further comprising a second software application operable to execute on the CPU, wherein the FDDL system defines an FDDL API for communication with the software application and the second software application, and the FDDL system defines a Switch Services API for communication with the switch device driver.

In claim 68, the network system of claim 66 wherein the FDDL system comprises:

a base FDDL system;

a software application tower FDDL system; and

a second software application tower FDDL system wherein the base FDDL system communicates with the switch device driver, the software application communicates with the software application tower FDDL system, the second software application communicates with the second software application tower FDDL system, and the base FDDL system communicates with the software application tower FDDL system and the second software application tower FDDL system and the second software application tower FDDL system.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The

examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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Work Group 2616

Kevin Mew